



## State of Nevada – Department Of Personnel

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### CLASS SPECIFICATION

<u>TITLE</u>	<u>GRADE</u>	<u>EEO-4</u>	<u>CODE</u>
<b>CHIEF, HEARINGS SECTION</b>	<b>44*</b>	<b>A</b>	<b>6.417</b>

Under general direction of the State Engineer, supervise the Hearings Section; coordinate, review and conducts hearings and litigations on behalf of the Division of Water Resources. Major duties include preparing draft decisions for the State Engineer's review in all matters required by statute; reviewing and hearing petitions requesting reconsideration of cancelled permits; designating underground basins; responding to objections to preliminary orders during adjudication of vested rights; and preparing and conducting all other hearings authorized by statute.

Prepare for hearings by conferring with supervisor and staff of various sections involved to determine what information must be developed and presented at the hearings for a full understanding of the relevant issues.

Review highly technical engineering, scientific, geologic, and hydrologic data on file in the State Engineer's office and reduce such information to exhibits for introduction at hearings according to appropriate legal procedures.

Determine data to be requested from parties with standing not available to the State Engineer in order to introduce them at hearings.

Prepare for and conduct prehearing conferences in order to establish uncontested matters by gathering all relevant information and documents from the Water Resources Division records as well as from outside sources.

Administer the conduct of hearings of contested matters to minimize the time of hearing while at the same time developing a full, fair and complete record so that the final decision will be based on all appropriate available information for the proper and lawful use of the waters of this State.

Keep the State Engineer abreast of the status of contested and litigated matter cases, orally and in writing.

Organize, advise and coordinate staff for the best utilization of time and staff time and to effect a speedy and fair resolution of such matters in order to prepare for the hearings.

Establish and coordinate policies and procedures used by employees of the division in the conduct of hearings as well as compliance to rules, regulations and statutes.

Assist employees of the Division of Water Resources with technical and legal issues related to appropriation, adjudication and distribution of the State's water resources.

Prepare annual budget request for the Hearings Section based on previous year's allocated budget.

Preside at hearings to ensure conformance to the rules and regulations of the Division of Water Resources, NRS 233B, and the constitutional requirements of fair and full opportunity to be heard.

**\* Reflects a 2-grade, special salary adjustment authorized by the 2001 Legislature to improve recruitment and retention.**

Rule on and decide complex issues of standing to participate or order of procedure, qualification of expert witnesses, objections to proposed exhibits and testimony, exercising independent, informed judgment to ensure that all testimony and evidence needed for proper decision is put on the record; advise the State Engineer on the exercise of statutory subpoena power in the interests of developing a full and complete record.

Prepare written decisions for the State Engineer's review including findings of fact and conclusions of law based on the evidence obtained at the technical testimony, reports and exhibits. This written decision must withstand judicial review.

Assist the Deputy Attorney General in court litigation resulting from the State Engineer's decisions; prepare the record on review for each contested decision which must be submitted to the appropriate court within 30 days of commencement of Judicial Review Proceedings; supplement the record to the District Court on all matters pertaining to remand, including independent conduct of additional hearings and preparation of supplemental rulings.

Assist the Deputy Attorney General at court proceedings on appeals; assist the Deputy Attorney General in preparation for and during trial when prosecuting violators of decrees adjudicating various river systems, other violations of the water laws and regulations.

Make recommendations to the State Engineer for future procedures, plans, directives, legislation and regulations as needed from review of current procedures as they are implemented, and problems that arise indicating needed change or additional directions, programs, or legislation; prepare the necessary legal documents and procedures for review by the State Engineer to plan for the implementation of such needs.

Represent the Division in conferring, giving testimony or presentations at governmental and public forums including the Legislature, public hearings, private meetings, meetings with water resource agencies of other states and water associations (Western State Engineers, Western States Water Council); respond in writing as well as presenting the agency's position to complaints, inquiries, public information requests, and official communications; make presentations to civic groups, professional organizations, other State agencies, other regulators, representatives from other states, water users and water use groups and organizations, federal agencies and representatives and legislators to explain the agency's position, resolve misunderstandings, and explain the basis for division's policies and actions.

Provide information on water law, both statutory and case law, and the interpretation of and implementation of such interpretations for the benefit of all the citizens of the State.

Review recent statutes, cases and trends in water law and oversee and advise all staff of the agency to ensure that they are aware of and in compliance with any such matters.

Supervise professional, technical, and clerical staff in the Hearings Section by making hiring decisions, assigning and prioritizing work, setting work schedules and tasks, and evaluating the performance of subordinate staff; monitor the Hearings Section's budget.

Perform related duties as assigned.

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## MINIMUM QUALIFICATIONS

### **SPECIAL NOTES AND REQUIREMENTS:**

- \* Registration as a Professional Engineer or licensure to practice law in the State of Nevada is required at the time of appointment. Any person registered as a Professional Engineer in another state must become registered as a Professional Engineer in Nevada within six months following the date of appointment as a condition of employment.
- \* A Master's degree in engineering or a related field may be substituted for one year of required experience. A doctorate in engineering or a related field may be substituted for two years of experience.

**EDUCATION AND EXPERIENCE:** Graduation from an accredited law school and two years of legal work experience in water and/or environmental law or related engineering field; **OR** graduation from an accredited college or university with a Bachelor's degree in civil engineering or closely related engineering field and six years of progressively responsible professional engineering experience; **OR** two years of experience working for the Nevada Division of Water Resources in the Hearings Division as a Staff III, Registered Professional Engineer. (*See Special Notes and Requirements*)

**ENTRY LEVEL KNOWLEDGE, SKILLS AND ABILITIES** (required at time of application):

**Working knowledge of:** water law statutes and cases, policies and interpretations governing operation and duties of Division of Water Resources and rules of evidence. **Knowledge of:** the practical, legal and regulatory principles of water and related State laws; related federal, State and local agencies and their functions; practical legal and regulatory principles in the water use field; hydraulic engineering. **Ability to:** read and comprehend legal and highly technical and scientific documents; write analytical reports and business correspondence for recipients of various socioeconomic, cultural, and educational backgrounds; prioritize assignments; project future needs and plan accordingly; motivate others; train and instruct employees; interact effectively with hostile people and resolve problems; mediate disputes; organize and analyze data; modify existing procedures; work with frequent interruptions; work with and supervise highly qualified technical and engineering personnel.

**FULL PERFORMANCE KNOWLEDGE, SKILLS AND ABILITIES** (typically acquired on the job):

**Knowledge of:** management techniques; the Nevada Revised Statutes and Nevada Administrative Code regarding water law and hearings; legal principles, their application and legal research methods. **Ability to:** apply knowledge of water and related laws in comprehensive reports or in hearings; collect evidence and prepare documentation for use in hearings or court; analyze detailed hydrogeological, geological, engineering, scientific reports and studies, and statutes for matters related to water law and regulations; organize and conduct special investigations and studies; interpret legal requirements and apply them at hearings and otherwise; supervise staff; coordinate the work of staff with available resources and various programs; work with related agencies in a concerted effort.

This class specification is used for classification, recruitment and examination purposes. It is not to be considered a substitute for work performance standards for positions assigned to this class.

### 6.417

ESTABLISHED:	7/1/89P
	6/9/89PC
ABOLISHED:	7/1/93P
	8/31/92PC
RE-ESTABLISHED:	8/11/95UC
REVISED:	7/1/01LG